

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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TODD C. BANK,

Plaintiff,

-against-

GOHEALTH, LLC,

Defendant.

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:  
CASE NO. 1:19-cv-05459-MKB-CLP

:  
:  
**DEFENDANT GOHEALTH, LLC'S**  
:  
**NOTICE OF MOTION TO DISMISS**  
:  
**PLAINTIFF'S SECOND AMENDED**  
:  
**COMPLAINT OR, IN THE**  
:  
**ALTERNATIVE, TO STRIKE**  
:  
**CERTAIN ALLEGATIONS**  
:

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PLEASE TAKE NOTICE, that upon the Declaration of John W. McGuinness, dated April 24, 2020, the exhibits annexed thereto, the accompanying Memorandum of Law and all prior pleadings and proceedings herein, Defendant GoHealth, LLC ("GoHealth"), by and through its undersigned counsel, hereby moves, at a date and time to be determined by this Court, for an order dismissing with prejudice Plaintiff's Second Amended Complaint for lack of subject matter jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(1) and for failure to state a claim pursuant to Federal Rule of Civil Procedure 12(b)(6), or, in the alternative, to strike the Second Amended Complaint's class action allegations, request for attorney's fees, and certain other allegations pursuant to Federal Rules of Civil Procedure 12(f) and 23(d)(1)(D); and for such other and further relief as the Court deems just and proper.

Dated: New York, New York  
April 24, 2020

MANATT, PHELPS & PHILLIPS, LLP

By: s/ John W. McGuinness

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